IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE**

**and**
**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT APPEAL NO: 937 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 23-10-2003 in W.P.No.4087 of 2003 on the file of the High Court.)

Between:

Lanka Narsaiah, S/o Ellaiah,
R/o Rukmapoor (v), Choppadandi (M), Karimnagar District.

**... APPELLANT**

**AND**

1 Muddasani Nagaiah, s/o Venkataiah,
R/o Rukmapoor (V), Choppadandi (M), Karimnagar District.
2 The Revenue Divisional Officer, Karimnagar.
3 The Mandal Revenue Officer, Choppadandi (M), Karimnagar

District.

**...RESPONDENTS**

**Counsel for the Appellant:** MR.C.RAMESH SAGAR
**Counsel for the Respondents:**

No 1: MR.K.RAGHUVEER REDDY

No.2: Government Pleader for Revenue

**The Court made the following Judgment:**

**JUDGMENT:** (Per Hon'ble The Chief Justice)

This Writ Appeal is filed by the third respondent in the Writ Petition questioning the validity and legality of the orders passed by the learned single Judge in the Writ Petition.

2. By the impugned order, learned single Judge set aside the order passed by the Mandal Revenue Officer, Choppadandi Mandal, Karimnagar District and remanded the same for fresh consideration and disposal by the Mandal Revenue Officer in the light of the observations made in the said order.

3. The grievance of the learned counsel for the appellant is that against the order of the Mandal Revenue Officer, there was alternative remedy by way of appeal, which was not availed of. Such objection was noticed by the learned single Judge who held that no useful purpose would be served by relegating the appellant to avail the alternative remedy of appeal since the appellate authority himself had addressed a letter to the Mandal Revenue Officer to initiate proceedings against the writ petitioner.

4. In this view of the matter, there is no force in the submission. Additionally, we may also notice that learned counsel for the appellant does not dispute the fact that the Mandal Revenue Officer has been directed to decide the matter afresh after taking into consideration two important aspects which are relevant factors

to be taken into consideration. In that view of the matter, we do not find any force in the appeal. It is hereby dismissed.

5. Learned counsel for the appellant states that the Mandal Revenue Officer has not yet taken any steps to re-consider the matter pursuant to relegation. While dismissing this Appeal, we direct the Mandal Revenue Officer to take steps to re-consider the matter again in accordance with the directions issued by the learned single Judge within a period of three months from the date of receipt of a copy of this order from the Court.

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**DEVINDER GUPTA, CJ**

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**G. ROHINI, J**

July 16, 2004

**MRR/NMR**

**Copy to:**

1 The Revenue Divisional Officer, Karimnagar.
2 The Mandal Revenue Officer, Choppadandi (M), Karimnagar District.

3 Two C.C s to the Government Pleader for Revenue, High Court

Buildings, Hyderabad (O.U.T).

4 Two C.D. Copies.